

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Adopted Exempt Permanent Rules Relating to Wolf Restitution Value, Use of Snares and Game Farms, *Minnesota Rules*, Chapters 6135, 6234 and 6242.

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.388
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Eric L. Lipman upon the application of the Minnesota Department of Natural Resources for a legal review under Minn. Stat. § 14.388 and Minn. R. 1400.2400.

On August 9, 2012 the Department filed documents with the Office of Administrative Hearings seeking review and approval of the above-entitled rules.

Based upon a review of the written submissions by the Department, the three stakeholder comments that were received, and the entire rulemaking record,

IT IS HEREBY ORDERED THAT:

1. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400.
2. The Department has the authority to adopt these proposed rules using the exempt rulemaking process – specifically under 2011 Laws of Minnesota, 1st Special Session, Chapter 2, Article 5, Section 67 and 2012 Laws of Minnesota, Chapter 277, Article 1, Sections 84 and 85.
3. The adopted rules are **APPROVED**.

Dated: August 22, 2012

s/Raymond R. Krause for

ERIC L. LIPMAN
Administrative Law Judge

MEMORANDUM

During the five-business day comment period, the Office of Administrative Hearings received three comments from interested members of the public. Each of the commentators wrote to urge a different set of regulations with respect to the use of snares.

None of the comments, however, offered a reason to doubt that the Department's use of the good cause exemption process to promulgate the regulation was itself unlawful.

The Department has properly invoked the good cause exemption process. Not only was the use of this process expressly authorized in the underlying legislation, the adopted rules incorporate the specific changes set forth in the chapter laws and requires no additional interpretation of law. *See*, Minn. Stat. § 14.388, subd. 1 (3).

With those directives from the Legislature in hand, the Department was not permitted to adjust the regulations in the manner suggested by the commentators. To the contrary, Executive Branch officials are bound to "take care" that the laws that have been enacted are "faithfully executed." *See*, Minn. Const., Art. V, Sections 1 and 3.

The appropriate result, therefore, is to approve the adopted rules.

E. L. L.